THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 24710 of 2005

Dated: 21.11.2005

Between:

Dr. B.V. Syamala Rathnam School of Nursing

B.V.R. Complex, R.P.G.T.Road, Hindupur

represented by its Correspondent Dr.K.Sreevani,

W/o. Dr.B.V.Prasad.

..... PETITIONER

AND

The Government of Andhra Pradesh,

Rep. by its Principal Secretary
Health,Medical & Family Welfare Department Secretariat,
Hyderabad and others.

.....RESPONDENTS

ORDER:

The petitioner is a School of Nursing. It admitted several candidates into the first year of General Nursing and Midwifery course. According to the instructions issued by the first respondent, the institutions are not entitled to admit male candidates, more than five percent of the approved strength. The petitioner contends that on account of non-availability of female candidates, they have admitted male candidates over and above five percent and submitted the list of candidates for approval. The grievance of the petitioner is that the third respondent has not approved the list of admitted candidates on the ground that the male candidates are admitted in excess of five percent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

The Government issued G.O.Ms.No. 82 dated 18.03.2005, wherein, it was indicated that the Indian Nursing Council issued a clarification to the effect that there is no bar for admitting male candidates into the course, referred to above. However, at a subsequent stage, the first respondent issued a memo dated 12.08.2005 directing that male candidates can be admitted upto a maximum of five percent of the seats. This very issue came up before this Court in several writ petitions, one such being W.P.No.22314 of 2005. It was disposed of on 14.10.2005 directing that if adequate number of female candidates are not available, the institutions can be permitted to admit male candidates over and above five percent. The petitioner states that it did not get adequate number of applications from female candidates and left with no other alternative, it had admitted male candidates to fill the seats.

In the view of the observations made by this Court in W.P.No. 22314 of 2005, no exception can be taken to the action of the petitioner in admitting male candidates over and above five percent.

For the foregoing reasons, the writ petition is disposed of directing the third respondent to accord approval for the list of candidates, admitted into first year of General nursing and Midwifery course, submitted by the petitioner, even if the number of male candidates exceed five percent; provided the petitioner has followed the other conditions as to the eligibility, etc. There shall be no order as to costs.

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21.11.2005

Note: Furnish C.C. in three days.

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